

COMBINED DECLARATION AND POWER OF ATTORNEY

As below named inventor, I hereby declare that

This declaration is of the following type:

- ☐ original ☐ design ☐ supplemental  
☐ national stage of PCT ☒ Reissue of U.S. Patent 6,080,553  
☐ divisional ☐ continuation ☐ continuation-in-part

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (*if only one name is listed below*) or an original, first, and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CREATINE AMIDINOHYDROLASE, PRODUCTION THEREOF  
AND USE THEREOF

the specification of which:

- ☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_  
(*if applicable*).  
☐ was filed by Express Mail No. \_\_\_\_\_ as Application No. *not known yet*, and was amended on \_\_\_\_\_  
(*if applicable*).  
☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_  
and as amended under PCT Article 19 on \_\_\_\_\_ (*if any*).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

COUNTRY	APPLICATION	DATE OF FILING (day,month,year)	PRIORITY CLAIMED UNDER 35 USC 119			
Japan	25435/1996	13/02/1996	xx	YES		NO
				YES		NO
				YES		NO

I hereby claim the benefit pursuant to Title 35, United States Code, § 119(e) of the following United States provisional application(s):

0940941-082801

PRIOR U.S. PROVISIONAL APPLICATIONS CLAIMING THE BENEFIT UNDER 35 USC 119(e)	
APPLICATION NO.	DATE OF FILING

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120					
U.S. APPLICATIONS			Status (check one)		
U.S. APPLICATIONS	U.S. FILING DATE		PATENTED	PENDING	ABANDONED
1. 0 /					
2. 0 /					
3. 0 /					
PCT APPLICATIONS DESIGNATING THE U.S.			Status (check one)		
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)	PATENTED	PENDING	ABANDONED
4.					
5.					
6.					

DETAILS OF FOREIGN APPLICATIONS FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119 FOR ABOVE LISTED U.S./PCT APPLICATIONS				
ABOVE APPLN. NO.	COUNTRY	APPLICATION NO.	DATE OF FILING (day,month,yr)	DATE OF ISSUE (day,month,yr)
1.				
2.				
3.				
4.				
5.				
6.				

As a named inventor, I hereby appoint Leydig, Voit & Mayer, Ltd. to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Customer Number 23460.



23460

PATENT TRADEMARK OFFICE

I further direct that correspondence concerning this application be directed to Leydig, Voit & Mayer, Ltd.:  
Customer Number 23460.



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PATENT TRADEMARK OFFICE

The undersigned inventors believe the original patent, U.S. Patent No. 6,080,553, to be partially inoperative by reason of claiming less than the undersigned had a right to claim. At least one error is now apparent to the applicants. With respect to the originally issued claims 1-23, these claims recite a creatine amidinohydrolase, reagent, method of production thereof, and method of use thereof. The creatine amidinohydrolase is defined by the specific physicochemical properties of action, optimum temperature, optimum pH, Km value, molecular weight, and isoelectric point. It is the belief of the undersigned that the present invention encompasses a creatine amidinohydrolase defined by the physicochemical properties such as action, heat stability, and Km value, but not necessarily isoelectric point. This error was made without any deceptive intent on the part of the applicants and was discovered only recently, during a review of the patent claims after the issuance of the patent. To rectify this error, the original claims 1-23 have been deleted. Independent claims 24, 25, 33, and 35-37 reciting a creatine amidinohydrolase have been added. Finally, the applicants have also included dependent claims 26-32, 34, and 38-42, which more precisely define and describe the preferred creatine amidinohydrolase, reagent, method of production thereof, and method of use thereof.

I declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: ATSUSHI SOGABE

Inventor's signature Atsushi Sogabe

Date '01 / 7 / 31

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Inventor's signature Takashi Hattori

Date '01 / 8 / 7

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Inventor's signature

*Yoshiaki Nishiya*

Date

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Full name of fourth joint inventor: YOSHIHISA KAWAMURA

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Date

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09940941-082801

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sogabe et al.

Application No. Unassigned

Filed: Herewith

Reissue of U.S. Patent No. 6,080,553

Issued: June 27, 2000

Assigned to Toyo Boseki Kabushiki Kaisha

For: CREATINE AMIDINOHYDROLASE,  
PRODUCTION THEREOF AND USE  
THEREOF

ASSENT OF ASSIGNEE

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

TOYO BOSEKI KABUSHIKI KAISHA, the assignee of the entire right, title, and interest in the above-referenced United States patent, hereby consents to the reissue thereof, application for which is being filed herewith. Title is vested in the name of Toyo Boseki Kabushiki Kaisha, a Japanese corporation, by virtue of the assignment recorded on April 24, 1997, at Reel 8493, Frame 0673.

TOYO BOSEKI KABUSHIKI KAISHA

Date: 31/7/2001

  
Koichi Yamagata  
Senior Managing Director

09940941-082801

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sogabe et al.

- ☒ Reissue of U.S. Patent No. 6,080,553  
☒ Filed: Herewith

For: CREATINE AMIDINOHYDROLASE,  
PRODUCTION THEREOF AND USE  
THEREOF

POWER OF ATTORNEY FOR REISSUE APPLICATION

The assignee of this reissue application, TOYO BOSEKI KABUSHIKI KAISHA, hereby appoints Leydig, Voit & Mayer, Ltd. to prosecute this reissue application and transact all business in the U.S. Patent and Trademark Office connected therewith: Customer Number: 23460.



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PATENT TRADEMARK OFFICE

Correspondence concerning this reissue application should be directed to Leydig, Voit & Mayer, Ltd.: Customer Number 23460.



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PATENT TRADEMARK OFFICE

The assignee authorizes the above-named attorneys to accept and follow instructions from representatives of the assignee.

Date:

31/7/2001

Toyo Boseki Kabushiki Kaisha

*Koichi Yamagata*

Koichi Yamagata  
Senior Managing Director